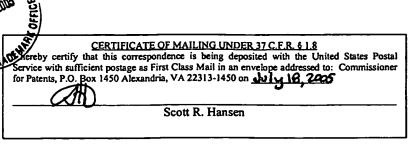
PATENT



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/691,033

Applicant : Zongqin Xia, et al. Filed : October 21, 2003

Art Unit : 1654

Examiner : Susan D. Coe

Title : SMILAGENIN AND ITS USE

Docket No.: : HASEL-65949

Customer No. : 24201

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Dear Sir:

- I, Daryl Rees, hereby declare as follows:
- 1. I hold the degrees of MSc in Pharmacology (London, England, 1985) and PhD in Pharmacology (London, England, 1991). I hold the position of Chief Operating Officer of Phytopharm plc, the Assignee of this patent application. I joined Phytopharm plc in June 1999 from University College, London, England, where I was then a Senior Lecturer in Clinical Pharmacology. I am an Honorary Senior Lecturer in the Department of Medicine at University College, London, a former Editor of the British Journal of Pharmacology, and Chairman of the Huntingdon Research Ethics Committee.
- 2. The information provided in this Affidavit is taken from the relevant records of Phytopharm plc, to which I have full access, and my personal knowledge.
- 3. I have studied the Office Action of February 17, 2005 and note that claims 5-8 are rejected as claiming subject matter that was not explained in the specification such that one